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In re Application of :
Lahti, et al :
Application No. 09/974,021 :
Filed: October 9, 2001 :
Attorney Docket No. 324-010620-US(PAR) :

ON PETITION

OFFICE OF PETITIONS

This is a decision on the petition filed on January 18, 2002, to accord the above-identified application a filing date of October 9, 2001.

The petition is **granted**.

Title 37, Section 1.10(d) of the Code of Federal Regulations reads, in pertinent part:

Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS who can show that the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS was incorrectly entered or omitted by the USPS, may petition the Commissioner to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS, provided that:

- (1) The petition is filed promptly after the person becomes aware that the Office has accorded or will accord, a filing date based upon an incorrect entry by USPS;
- (2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail"; and
- (3) The petition includes a showing which establishes, to the satisfaction of the Commissioner, that the requested filing date was the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS.

All of the above requirements have been met. The application will, therefore, be accorded a filing date of October 9, 2001. A corrected filing receipt is enclosed.

The "Declaration and Power of Attorney for Patent Application", "Preliminary Amendment" and English translation of the specification, all filed January 18, 2002, are noted and made of record.

The application is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of October 9, 2001.

Telephone inquiries should be directed to Kenya A. McLaughlin, Petitions Attorney, at (703)305-0010.

A handwritten signature in cursive script, appearing to read "Beverly M. Flanagan", with a horizontal line extending from the end of the signature.

Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Enclosure: Corrected Filing Receipt